

FILED

OCT 08 2021

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

KYLAH ANTHONY
Plaintiff,

v.

ACIMA CREDIT LLC,
Defendant.

) **JURY TRIAL DEMANDED**

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) **Case No. 1:21 CV 1926**

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JUDGE CALABRESE

COMPLAINT AND DEMAND FOR JURY TRIAL

I. INTRODUCTION

1. This is an action for actual and statutory damages brought by Plaintiff, an individual consumer, against Defendant, Acima Credit LLC for violations of the Fair Debt Collection Practices Act, 15 U.S.C § 1692 *et seq.* (hereinafter "FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair debt collection practices.

II. JURISDICTION AND VENUE

2. Jurisdiction of this court arises under 15 U.S.C § 1692k(d) and 28 U.S.C § 1331. Venue in this District is proper in that the Defendants transact business in Cleveland,

Cuyahoga County, Ohio, and the conduct complained of occurred in Cleveland, Cuyahoga County, Ohio.

III. PARTIES

3. Plaintiff is a natural person residing in Cleveland, Cuyahoga County, Ohio. Plaintiff is a consumer as defined by the Fair Debt Collection Practices Act, 15 U.S.C. §1692a(3).
4. Upon information and belief, Defendant is a Utah corporation with its principal place of business located at 13907 S Minuteman Dr, Floor 5, Draper, Utah 84020. Defendant's registered agent for service of process in Ohio is as follows: Corporation Service Company, 50 West Broad Street, Suite 1330, Columbus, Ohio 43215.
5. Defendant is engaged in the collection of debt from consumers using the mail and telephone. Defendant regularly attempts to collect consumer debts alleged to be due to another.

IV. FACTS OF THE COMPLAINT

6. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C § 1692a(6).
7. On or about October 13, 2020, Plaintiff reviewed her credit report on Smart Credit, an online credit monitoring service.
8. On the report, Plaintiff observed one trade line from Defendant.
9. Defendant furnished a trade line of \$1,977.00, allegedly owed to Acima Credit.

10. Also on October 13, 2020, Plaintiff submitted a dispute via certified mail with credit reporting agencies, however on December 1, 2020 Plaintiff re-checked her credit reports and became aware that Defendant failed to communicate that the debt was disputed by the Plaintiff.
11. Defendant's publishing of such inaccurate and incomplete information has severely damaged the personal and credit reputation of Plaintiff, causing a decrease in Plaintiff's FICO scores resulting in Plaintiff being denied credit or granted credit with a higher interest rate; and has caused severe humiliation, emotional distress and mental anguish.

**V. FIRST CLAIM FOR RELIEF
15 U.S.C. §1692e(8)**

12. Plaintiff re-alleges and reincorporates all previous paragraphs as if fully set out herein.
13. Defendant's violations include, but are not limited to, the following:
Defendant violated 15 U.S.C § 1692e(8) of the FDCPA by failing to disclose to the consumer reporting agencies that alleged debt was in dispute by Plaintiff.
14. As a result of the above violations of the FDCPA, the Defendant is liable to Plaintiff for actual damages, statutory damages and costs.

VI. JURY DEMAND AND PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully demands a jury trial and requests that judgment be entered in favor of Plaintiff and against Defendant for:

- A. Judgment for the violations occurred for violating the FDCPA;
- B. Actual damages pursuant to 15 U.S.C § 1692k(1)(2);
- C. Statutory damages pursuant to 15 U.S.C § 1692k(2);
- D. Costs pursuant to 15 U.S.C § 1692k(3);
- E. For such other and further relief as the Court may deem just and proper.

Dated: October 8, 2021

Respectfully submitted:

By: s/ Kylah Anthony

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Pro se

